REMARKS

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claims 1, 3-4, 8, 14, 16-17, 21, 27, 29-30, and 34 have been amended, Claims 2, 15, and 28 have been cancelled, and no claims have been added. Hence, Claims 1, 3-14, 16-27, and 29-39 are pending in the application.

THE PENDING CLAIMS ARE PATENTABLE OVER THE CITED ART

Claims 1-39 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application No. 2003/0126265 issued to Aziz et al. ("*Aziz*").

Applicants herein amend certain pending claims to more clearly state the subject matter to which Applicants desire patent protection. As explained below, each pending claim is patentable over *Aziz*.

Claim 1

Amended Claim 1 recites:

> determining, by a grid establishment component, from a plurality of nodes, a set of grid nodes to include in a resource grid, wherein each grid node provides zero or more resources, and **wherein each grid node has a grid facilitation agent operating thereon**; and
> establishing, by the grid establishment component, the resource grid, wherein establishing comprises:
> configuring each grid node to enable that grid node to participate as part of the resource grid, **wherein configuring a grid node to enable that grid node to participate as part of the resource grid comprises:**
> **deploying a grid participation module to the grid facilitation agent operating on the grid node, and**
> **instructing the grid facilitation agent to run the grid participation module on the grid node to enable the grid node to participate as part of the resource grid**, and
> establishing one or more grid masters to manage access to the resources provided by the grid nodes, such that the resource grid formed by the grid nodes behaves as a single pool of resources accessible through the one or more grid masters. (emphasis added).

At least the above-bolded portions of Claim 1 are not disclosed, taught, or suggested by *Aziz*.

The approach of Claim 1

Claim 1 is directed towards an approach for a grid establishment component to establish a resource grid. The grid establishment component determines, from a plurality of nodes, a set of grid nodes to include in a resource grid. Each grid node has a grid facilitation agent operating thereon.

The grid establishment component establishes the resource grid by (a) configuring each grid node to enable that grid node to participate as part of the resource grid and (b) establishing one or more grid masters to manage access to the resources provided by the grid nodes. The grid establishment component configures each grid node by deploying a grid participation module to the grid facilitation agent operation on the grid node, and instructing the grid facilitating agent to run the grid participation module on the grid node to enable the grid node to participate as part of the resource grid.

Advantageously, once a grid facilitating agent is operating on a grid node, the grid facilitating agent may run a grid participating module. This feature is advantageous for a variety of reasons, e.g., this feature enables the grid node to participate as part of the resource grid without rebooting once the grid node has a grid facilitation agent operating thereon.

The approach of *Aziz*

Aziz is also directed towards an approach for establishing a resource grid, although *Aziz* refers to a resource grid as a Virtual Server Farm (VSF). However, the manner in which *Aziz* establishes a resource grid is markedly different than the approach of Claim 1.

Aziz teaches:

> The role of the computing element is acquired from one of a plurality of pre-defined, stored blueprints, each of which defines a boot image for the computing elements that are associated with that role. The blueprints may be stored in the form of a file, a database table, or any other storage format that can associate a boot image location with a role. (paragraph 72).

Thus, each computing element in *Aziz* participates as part of a VSF by acquiring a boot image containing instructions for participating in the VSF, and thereafter reboooting. As a result, **the approach of *Aziz* does not involve the concept of a grid facilitation agent operating on a grid node**.

Differences between Claim 1 and *Aziz*

Claim 1 recites the feature "determining, by a grid establishment component, from a plurality of nodes, a set of grid nodes to include in a resource grid, wherein each grid node provides zero or more resources, and **wherein each grid node has a grid facilitation agent operating thereon.**"

Aziz does not disclose, teach, or suggest anything analogous to a grid facilitation agent. Instead, the portion of *Aziz* cited to show a grid facilitation agent (paragraphs 71 and 72) merely discusses rebooting a computing element to run a boot image located on a SAN. The argument of the Office Action makes clear that both the grid facilitation agent and the grid participation module are allegedly analogous to the boot image located on the SAN. However, Claim 1 requires that the grid facilitation agent be operating on the grid node. Thus, for the Office Action's interpretation of *Aziz* to be analogous to the features of Claim 1, the boot image located on the SAN can only be analogous to a grid facilitation agent as claimed once the computing element has rebooted to execute the boot image located on the SAN.

However, interpreting *Aziz* in such a manner fails to teach or suggest other elements of Claim 1. For example, Claim 1 recites the following elements:

> configuring each grid node to enable that grid node to participate as part of the resource grid, wherein configuring a grid node to enable that grid node to participate as part of the resource grid comprises:
> > **deploying a grid participation module to the grid facilitation agent operating on the grid node, and**
> > **instructing the grid facilitation agent to run the grid participation module on the grid node to enable the grid node to participate as part of the resource grid,**

If the grid facilitation agent and the grid participation module are both allegedly analogous to the boot image located on the SAN, then the above underlined elements are not disclosed, taught, or suggested by *Aziz*. Specifically, the approach of rebooting a computing element to run the boot image located on the SAN does not involve deploying a grid participation module to a grid facilitation agent operating on a grid node. This is so because **both** the grid participation module and the grid facilitation agent are allegedly analogous to the boot image located on the SAN. As a result, in *Aziz*, the subject matter (the boot image) allegedly analogous to a grid facilitation agent is not operating on the grid node when the subject matter allegedly analogous to the grid facilitation module is deployed to a grid node. Thus, if a

grid facilitation agent is read so broadly as to include a computing element executing a boot image obtained from a SAN, then the above-underlined elements cannot be shown by *Aziz*.

Further, because Claim 1 requires a grid facilitation agent to run the grid participation module, it is clear from Claim 1 that the grid facilitation agent and the grid participation module are separate entities. On the other hand, the office action argues that both the grid facilitation agent and the grid participation module are the same entity, namely the boot image located on the SAN. As a result, in *Aziz*, nothing can be analogous to instructing a grid facilitation agent, operating on a grid node, to run the grid participation module.

Consequently, at least the above-underlined elements recited in Claim 1 are not disclosed, taught, or suggested by *Aziz*. As a result, it is respectfully submitted that Claim 1 is patentable over the cited art and is in condition for allowance.

If the Patent Office disagrees, then the Patent Office is respectfully invited to identify (a) what is allegedly analogous to a grid participation agent in *Aziz*, (b) what is allegedly analogous to a grid participation module in *Aziz*, and (c) what act in *Aziz* involves instructing the subject matter allegedly analogous to a grid participation agent to run the subject matter allegedly analogous to a grid participation module in *Aziz*.

Claim 4

Amended Claim 4 recites:

> determining, by a grid establishment component, from a plurality of nodes, a set of grid nodes to include in a resource grid, wherein each grid node provides zero or more resources;
> establishing, by the grid establishment component, the resource grid, wherein establishing comprises:
> > configuring each grid node to enable that grid node to participate as part of the resource grid, wherein configuring a grid node to enable that grid node to participate as part of the resource grid comprises:
> > > **causing the grid node to execute a grid facilitation agent thereon;**
> > > **deploying a grid participation module to the grid facilitation agent executing on the grid node; and**
> > > **instructing the grid facilitation agent to run the grid participation module on the grid node to enable the grid node to participate as part of the resource grid**, and
> > establishing one or more grid masters to manage access to the resources provided by the grid nodes, such that the resource grid formed by the grid nodes behaves as a single pool of resources accessible through the one or more grid masters. (emphasis added).

At least the above-bolded portions of Claim 1 are not disclosed, taught, or suggested by *Aziz*.

Claim 4 recites elements similar to those discussed above with respect to Claim 1. For example, Claim 4 features "deploying a grid participation module to the grid facilitation agent executing on the grid node" and "instructing the grid facilitation agent to run the grid participation module on the grid node to enable the grid node to participate as part of the resource grid." Consequently, it is respectfully submitted that these elements recited in Claim 4 are also not disclosed, taught, or suggested by *Aziz* for at least the same reasons as given above with respect to Claim 1.

Claim 4 further recites, "causing the grid node to execute a grid facilitation agent thereon." The portion of *Aziz* cited to show this feature (paragraphs 71 and 72) merely discusses a computing element rebooting to run a boot image stored externally on a SAN. As explained above, if this feature is read so broad as to encompass a computing element rebooting to run a boot image stored externally on a SAN, then numerous elements of Claim 4 would not be shown, e.g., the above two elements discussed above would not be shown because nothing after a computing element executes the boot image, nothing is deployed to anything analogous to a grid facilitation agent executing on the grid node in the approach of *Aziz*.

Consequently, it is respectfully submitted that Claim 4 is patentable over the cited art and is in condition for allowance.

<u>Claims 3-14, 16-27, and 29-39</u>

Claims 14 and 27 recite features similar to those discussed above with respect to Claim 1, except that Claims 14 and 27 are recited in apparatus and computer-readable medium format respectively. Consequently, for at least the reasons given above with respect to Claim 1, it is respectfully submitted that Claims 14 and 27 are also patentable over the cited art and are each in condition for allowance.

Claims 17 and 30 recite features similar to those discussed above with respect to Claim 4, except that Claims 17 and 30 are recited in apparatus and computer-readable medium format respectively. Consequently, for at least the reasons given above with respect to Claim 4, it is respectfully submitted that Claims 17 and 30 are also patentable over the cited art and are each in condition for allowance.

Claims 3-13, 16, 18-26, 29, and 31-39 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 3-13, 16, 18-26, 29, and 31-39 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3-13, 16, 18-26, 29, and 31-39 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.
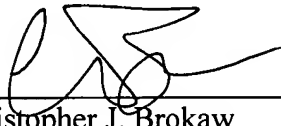
CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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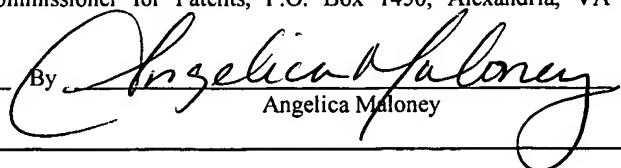Reg. No. 45,620
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